

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

JOSEPH WIGGINS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 3:04CV912-F
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

On August 15, 2005, the Magistrate Judge filed a Recommendation (Doc. #14) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation is ADOPTED.
2. The Commissioner's final decision is REVERSED and REMANDED, pursuant to sentence four of 42 U.S.C. 405(g), further deliberation not inconsistent with this opinion. Specifically, the Commissioner should be instructed to reevaluate Wiggins' disability status, accepting as true his subjective complaints of drowsiness resulting from taking prescribed narcotic medicines. In addition, the Commissioner should be required to consider the side effects of medication taken throughout his period of eligibility. And, finally, should the Commissioner return this matter to an ALJ, a different ALJ should be used.

Done this the 14th day of September, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE